

ITEM NO.19

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 14764/2024

(Arising out of impugned final judgment and order dated 11-09-2024 in CRLM No. 63191/2024 passed by the High Court Of Judicature At Patna)

UPENDRA MANJHI

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA No. 245894/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 245895/2024 - EXEMPTION FROM FILING O.T.)

Date : 24-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Shivam Singh, Adv.(arguing counsel)s
Mr. Kailas Bajirao Autade, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner.
2. The order under challenge, is the order dated 11.09.2024, passed by the High Court of Judicature at Patna, in Criminal Miscellaneous No. 63191 of 2024, which reads as hereunder;

....." Considering the above mentioned facts and circumstance, the petitioner above-named, is directed to furnish bail bond after five months from today and on doing so, the Court below shall release the petitioner on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the

like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Doriganj Excise P.S. Case No. 130 of 2024, subject to the following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the Court."...

3. This is one of the few orders we have come across in last few days passed by the High Court, in which, without deciding the matter on merits, the High Court has granted the bail to the present petitioner, subject to the condition that the petitioner-accused shall furnish the bail bonds after five months of the passing of the order. There are no reasons assigned as to why the implementation of the order granting bail was postponed for five months. In our opinion, no such condition could be imposed for grant of bail to a person/accused. If the Court is satisfied on merits, it should grant bail or otherwise, reject the same.

4. In that view of the matter, without issuing notice to the respondent-State, the impugned order dated 11.09.2024, is set aside. It is directed that the Criminal Miscellaneous No. 63191 of 2024, filed by the petitioner, shall be restored on the file of the High Court, and shall be listed before the concerned Court on 11.11.2024, for deciding the matter/ application afresh on merits, and in accordance with law.

5. Accordingly, the special leave petition is disposed of.

6. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
COURT MASTER (NSH)